

PLANNING COMMISSION REPORT



MEETING DATE: September 28, 2005

ITEM No. _____

GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Winstar Pro - 12-GP-2005 and 13-ZN-2005

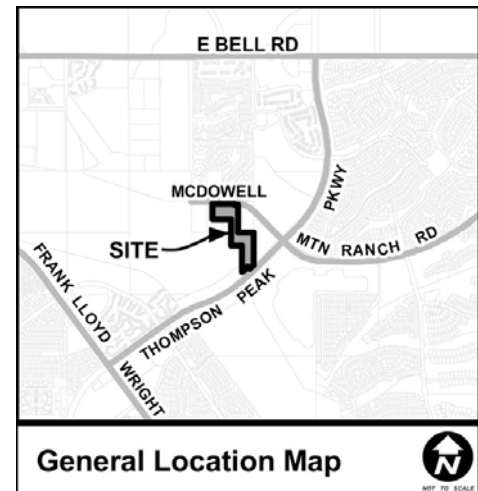
REQUEST

Request:

- 1) A Major General Plan Amendment of the Land Use Element from Cultural/Institutional or Public Use to Urban Neighborhoods on a 12 +/- acre parcel located at the southeast corner of 99th Place and McDowell Mountain Ranch Road.
- 2). A zoning amendment from Single Family Residential, Planned Community District, Environmentally Sensitive Lands (R1-35 PCD ESL) to Multi-family Residential, Planned Community District, Environmentally Sensitive Lands (R-5 PCD ESL) on a 12 +/- acre property (3 parcels) located at the southeast corner of 99th Place and McDowell Mountain Ranch Road (west of Thompson Peak Parkway).

Key Items for Consideration:

- The General Plan amendment conforms to the character, land use intensity, and goals for future development in this area of the city.
- One letter of opposition has been received with concerns regarding increased traffic levels using McDowell Mountain Ranch Road. Many of the issues regarding a prior 2003 case on this site for Employment and Industrial use have now been resolved.
- The General Plan and rezoning cases are being considered in conjunction. A separate General Plan (10-GP-2005) and rezoning case (16-ZN-2005) are also being considered for the adjoining property to the east.



Related Policies, References:

The area is located within the Horseman's Park East Planned Community District (PCD) zoning district. The Horseman's Park East PCD provides a maximum allowable floor area ratio and building setbacks, overall development guidelines and provisions for protection of the Verde Canal. The PCD applies only to the northern 5.65 +/- acre portion of the site.

Related Policies, References:

- Case 33-ZN-2000 – created the Horseman’s Park Planned Community District (PCD) in the area in 2000.
- Cases 3-GP-2003 and 8-ZN-2003 proposed to amend the General Plan to Employment to rezone this site to Industrial District, which was withdrawn by the applicant due to neighborhood concern.

OWNER Winstar Pro LLC
480-538-5474

APPLICANT CONTACT George Bell
Land Research and Development Inc
480-538-5474

LOCATION E McDowell Mountain Ranch Road / N 99th Place (Southeast Corner), west of the southwest corner of McDowell Mountain Ranch Road and Thompson Peak Parkway

BACKGROUND **Zoning.**
The site is zoned Single Family Residential (R1-35 PCD ESL) District, and is partly situated within the Horseman’s Park East Planned Community Development (PCD) and is contained in the Environmentally Sensitive Lands area. The northern 2 lots (Parcels 38 and 39 containing 5.65 +/- acres) only are located within the Horseman’s Park East PCD, while the southerly 7.29-acre +/- State Land Department parcel is located outside of the PCD.

General Plan.

The General Plan Land Use Element currently designates the property as Cultural/Institutional and Public Use. This land use category provides for a variety of public and private facilities including government buildings, schools, private and public utilities, and airports, and includes facilities such as the WestWorld Equestrian Facility.

The proposal is to modify the General Plan to Urban Neighborhoods category. This “includes areas of multi-family dwellings/apartments. Densities in Urban Neighborhoods are usually more than eight dwellings per acre. These high-density uses are generally located near retail centers, offices, or other compatible non-residential uses. Care must be taken to minimize impacts on other residential areas and to provide adequate circulation to accommodate the traffic volumes. Access to transportation choices (e.g. pedestrian, bicycle, transit, etc.) is a key consideration for urban neighborhoods. Areas containing high-density residential development should have minimal environmental constraints.”

Context.

This site is situated south of McDowell Mountain Ranch Road, 1/3 mile west of Thompson Peak Parkway. The surrounding property has the following zoning and General Plan Land Use Categories:

- **West**, Western Theme Park (W-P) zoning for WestWorld to the southwest and contains a General Plan Land Use Category of Cultural/Institutional,

- **South**, is Thompson Peak Parkway and the McDowell Mountain Aquatic Center and the WestWorld Golf Course with Open Space (O-S) District and a General Plan Land Use Category of Developed Open Space,
- **East**, Single Family Residential (R1-35 PCD ESL) (Equestria Villa) with a General Plan Land Use Category of Cultural/Institutional. East of that is the Giant gas station with Planned Convenience Center (P.Co.C ESL) District zoning and a General Plan Land Use Category of Commercial, and McDowell Mountain Ranch, (R1-5 ESL) located ¼ mile to the east across Thompson Peak Parkway, with a General Plan Land Use Category of Suburban Neighborhoods,
- **North**, Single Family Residential (R1-5 PCD ESL), Horseman's Park Subdivision, across McDowell Mountain Ranch Road, with a General Plan Land Use Category of Urban Neighborhoods.

APPLICANT'S
PROPOSAL

Goal/Purpose of Request.

The request is to amend the General Plan and rezone the site as noted below.

General Plan Amendment

The applicant proposes to amend the General Plan designation from Cultural Institutional and Public Use to Urban Neighborhoods. The proposed Urban Neighborhoods Category is compatible with this area and will not create a negative impact on the surrounding residential areas. Some concern is expressed that additional residential development may affect WestWorld due to characteristics associated with equestrian activities and related large public events. Existing residential use is situated to the north and separated by McDowell Mountain Ranch Road and should not be adversely impacted by this designation. The Urban Neighborhoods category allows for the proposed zoning of Multi-family Residential (R-5) District for the site. The Horseman's Park East PCD provides guidelines including a maximum Floor Area Ratio (FAR.) of 0.40 for site development and policies related to protecting the Verde Canal.

Rezoning

The request is to rezone the site from Single Family Residential (R1-35) to Multi-family Residential (R-5) District. The intent of the rezoning is to permit development of multi-family uses such as townhouse, apartments or condominium use on the site. The conceptual site plan provides access from McDowell Mountain Ranch Road along the north side of the site with internal driveways serving the site containing residential buildings, parking lot areas and open space areas.

The existing road network is capable of accommodating the additional traffic, however the increased traffic has been expressed as a concern by the neighborhood north of the site. The Horseman's Park East PCD provides that the maximum allowable Floor Area Ratio (FAR) of 0.40, while maximum building height is 36 feet. The Verde Canal and proposed public trail easement runs through the site from northwest to southeast corner of the site and will be addressed as an open space amenity corridor with the site plan.

Key Issues.

- The general plan and zoning requests are generally compatible with the surrounding residential uses. Development of residential use on this property may in the future conflict with the equestrian character and public use of the WestWorld equestrian facility.
- A minimum 30-foot wide buffer is provided along the site's WestWorld boundary.
- The Horseman's Park Subdivision is located along the north side of McDowell Mountain Ranch Road and McDowell Mountain Ranch Master Planned Community is approximately 1,400 feet east of the site, across Thompson Peak Parkway.
- Maintenance, preservation and adjustment of the Verde Canal feature.
- Previous issues related to a request for a general plan amendment and rezoning of this site in 2003 have been largely resolved with this request.
- No direct access is permitted from the site of Thompson Peak Parkway to the south.

Development information.

- *Existing Use:* Undeveloped site containing desert vegetation and the Verde Canal
- *Buildings/Description:* Proposed 2 and 3 story multi-family units
- *Parcel Size:* 12 +/- acre (net) property
- *Building Height Allowed:* 36 feet above natural grade per ESL, proposed townhouses will be 2 and 3 stories and have heights of 28 to 36 feet
- *Existing Building Height:* None
- *Density:* The conceptual site plan provides for 240 townhouse units more or less, or 18.3 to 20 DU/Acre
- *Floor Area:* Maximum allowable 0.40 per PCD applies to the northern 5.65 +/- acre portion of the site.
- *Other:* Protection of the Verde Canal and provision of public trail easement

GENERAL PLAN
ANALYSIS

Land Use Element:

The designation of Cultural/Institutional for this area of the city was established for the WestWorld equestrian facilities to the area south and west of this property. It was originally anticipated that this general area would include a mixture of uses focusing on the equestrian facilities and recreation and tourism facilities supporting the WestWorld complex. The applicants are requesting the site be used for high-density residential uses.

Analysis:

This property is surrounded by a variety of General Plan Land Use Categories including Cultural Institutional, Commercial and both Urban and Suburban

Neighborhoods. WestWorld is a developed equestrian facility, providing amenities for both visitors and residents with large-scale special events held on the site. Development of sites surrounding WestWorld must recognize the potential impacts of the keeping, care and feeding of horses and associated special events. Adequate buffering to screen views as well as to reduce noise, lighting and odor must be integrated with the development of adjacent residential areas.

Consideration of the McDowell Mountain Ranch subdivision toward the east and Horseman's Park subdivision to the north is also important with respect to determining the land use designation of the subject site. The Verde Canal and multi-use trail are identified as a resource and should be maintained as a preservation corridor in the site planning and development. The site is located within the Lower Desert Landform of the ESL Ordinance and will require the dedication of Natural Area Open Space in accordance with the ESL provisions of the Zoning Ordinance.

ZONING ANALYSIS

Traffic.

A Transportation Impact Mitigation Analysis is being conducted for this site. The preliminary assessment concludes that the development of the approximate 12-acre site in conjunction with the adjoining Equestria Villas site for multi-family residential purposes will generate about 3,180 vehicles per day, of which 246 and 318 trips will be generated at the AM and PM peak hours, respectively. Currently McDowell Mountain Ranch Road (4-foot half street Major Collector) is carrying 4,600 vehicles per day; it has a design capacity of 35,000 vehicles per day. The signalized intersection of Thompson Peak Parkway and McDowell Mountain Ranch Road will continue to operate at an acceptable level of service with the addition of the site-generated traffic. Improvements to McDowell Mountain Ranch Road are stipulated with this case.

Water/Sewer.

City sewer and water facilities exist within McDowell Mountain Road, along the frontage of the property. Sewer and water connections will be provided from the site to the development at the developer's cost and will not impact on the existing system.

Fire.

The Fire Department has reviewed the application and indicates adequate fire protection access is provided to the site. Stipulations permit emergency vehicle access through the site to Thompson Peak Parkway to the south.

Schools District comments/review.

The Scottsdale Unified School District has been notified of this application. No objections have been expressed regarding this proposal.

Open space, scenic corridors.

The Horseman's Park East PCD provides for the protection of the Verde Canal, which has been identified as a historical/archeological resource for the City of Scottsdale. Provision of public trail easement along the Canal is also

specified. Stipulations provide for modification and adjustment to the canal, with DRB approval. A minimum 30-foot wide buffer is provided adjacent to the site's WestWorld boundary.

Policy Implications.

The proposal conforms to the Horseman's Park East PCD that applies to this area with respect to FAR, circulation and maintenance of the Verde Canal. Recognition to the sites proximity to WestWorld is also a consideration.

Community Involvement.

Neighborhood Open Houses were held on June 14 and 15, 2005 at the applicant's offices in Horseman's Park. Prior to the open houses, notification was sent by mail to 270 property owners and interested citizens, mostly situated within a 750-foot radius of the site. Included within the mailing were letters to Arizona State Land Department and McDowell Mountain Ranch Community Association. Three (3) people attended the open houses. Inquiries were made about the nature of the proposal, however no objections were received. In addition, a Project Under Consideration sign was posted on the site on May 28th advising of the time and locations of the Neighborhood Open House meeting. A summary of the citizen comments is provided in Attachment 8, Citizen Involvement. Staff has received one letter of objection from a resident from the Horseman's Park subdivision located north of the site indicating concern related to the increased traffic from the site onto McDowell Mountain Ranch Road.

Community Impact.

Adjoining uses include residential, commercial and western theme park while the proposed use is to accommodate multi-family residential development. The general plan amendment and rezoning will result in improvement of an existing undeveloped area, and development of townhouse, condominium or apartment uses. This use is reasonably compatible with uses in the vicinity and is preferred by adjoining residential neighbors over the original industrial use proposed in 2003. WestWorld has expressed some concern regarding potential issues related to objections from future residents within this project at the equestrian character and associated public event activities occurring at WestWorld (lights, dust, odor, noise and traffic).

PLANNING
COMMISSION

Remote Hearing.

At the Planning Commission Remote Hearing on August 24, 2005, two (2) citizens from the residential area toward the north, indicated concerns regarding increased traffic on local streets and related issues such as the impact associated with possible increased crime.

STAFF
RECOMMENDATION

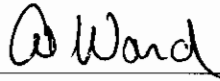
Recommended Approach:

Staff recommends approval, subject to the attached stipulations.

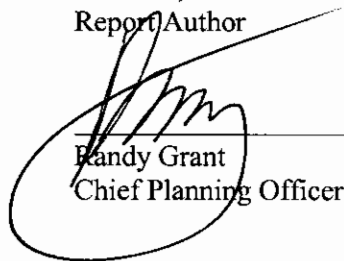
RESPONSIBLE
DEPT(S)

Planning and Development Services Department
Current Planning Services

APPROVED BY



Al Ward, AICP
Report Author



Randy Grant
Chief Planning Officer

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Existing Land Use Map
- 3A. Proposed Land Use Map
4. Zoning Map
5. Stipulations
6. Additional Information
7. Citizen Involvement
8. City Notification Map
9. August 24, 2005 Planning Commission Minutes
10. Site Plan

Request for General Plan Amendment for:

12-GP-05

309-PA-05

WINSTAR PRO

Scottsdale, Arizona

► **INTRODUCTION.**

Request. Amend the General Plan – Land Use Element for the subject properties from “Cultural / Institutional or Public Use” to “~~Employment~~” or “Urban Neighborhood Residential.” ~~The request is to maintain both options until a consensus is reached among the applicant, neighbors, city staff, and city council.~~ A rezoning application will be filed on or before July 2005.

Location. The subject property is located approximately one-quarter mile west of Thompson Peak Parkway on the south side of McDowell Mountain Ranch Road immediately north of West World. The site contains three (3) parcels of land, approximately ten (10) acres in size.

Site Conditions. The approximately 10.1-acre site is generally flat with very little in the way of topographic changes or significant vegetation. A small portion of the old Verde Canal bisects the property from northwest to southeast. Most of the vegetation on-site is found in close proximity to the canal.

Surrounding Land Uses. The subject property is in a very unique location within the City of Scottsdale. The site is surrounded by a variety of different land uses including the West World equestrian center to the south, McDowell Mountain Ranch master planned community to the east and a mix of residential and employment uses to the north and west.

Other Impacts. The most significant impact to this property is the immediate proximity to West World equestrian center to the south.

Future Rezoning Request. As previously mentioned, the applicant will submit a rezoning request to accompany this General Plan Amendment request. The rezoning request will include ~~a development agreement with~~ development standard amendments that further define intensity of development on the site including height restrictions and lot coverage restrictions.

The proposed rezoning request will make the zoning consistent with the proposed General Plan designation. The future rezoning application will address the following:

- Proposed Use.
- Proposed Site Plan.
- Parking.
- Setbacks.
- Open Space.
- Frontage Open Space.
- Intensity of Development [F.A.R.].

► **GENERAL PLAN AMENDMENT CHECKLIST.**

The following items are provided pursuant to the "Checklist" items required by the City Project Coordination Department.

ITEM 1 - GENERAL PLAN AMENDMENT CHECKLIST.

[Submitted with application under separate cover.]

ITEM 2 – COMPLETED APPLICATION FORM.

[Submitted with application under separate cover.]

ITEM 3 – GENERAL PLAN AMENDMENT APPLICATION FEE.

[Submitted with application under separate cover.]

ITEM 4 – [NOT REQUIRED]

ITEM 5 - CITIZEN NOTIFICATION & PUBLIC INVOLVEMENT.

The following is an outline of the proposed Citizen Notification & Public Involvement program as defined in the GPA Checklist.

1. Letter / Mailer Notice. The applicant will notify all property owners and HOA's within 750-feet of the subject property. Addresses and a key map of the recipients are provided with this application under separate cover.
2. Project Under Consideration Sign. The applicant will install the required "Project Under Consideration" sign within ten [10] business days of the filing of this report. The sign will include information regarding the required public open house meeting. The sign will be posted a minimum of ten [10] days prior to the meeting. A dated, time stamped photograph of the sign along with an "Affidavit of Posting" will be provided to the city.
3. Open House Meeting. Pursuant to City staff requirements, the applicant will conduct two [2] open house meetings to solicit input from adjacent property owners. The applicant will notify the Project Coordinator at least fourteen [14] days prior to the meeting. Documentation of the open house meeting will be provided to the city upon completion of the meeting including dates, times, locations, copies of sign-in sheet, etc.
4. Other. With the submittal of the future rezoning application the required Citizen Review Plan and Program including, additional letters, open house meetings, web site and newspaper advertising will be developed.

ITEM 6 - CONTEXT GRAPHICS, PLANS & PHOTOGRAPHS.

See context maps and photographs at the end of this report including:

- East Bell Road Master Plan
- Aerial Photo / Site Location Plan
- Site Context Photographs

ITEM 7 – [NOT REQUIRED]

ITEM 8 – GENERAL PLAN GUIDING PRINCIPLES.

The following are goals and approaches taken from the City's "General Plan 2001" describing how this proposal meets applicable General Plan objectives.

Character & Lifestyle.

- *Foster Quality Design*...the future development plan will be required to be submitted to the Development Board to ensure the site plan and architectural character are environmentally responsible, appropriate for the locale and meets or exceeds the high design standards of the community
- *Identify Historic Resources*...the future development plan for this site should consider the existing Old Verde Canal.
- *Streetscapes / Visual Quality*...the future landscape component of the project will blend and transition with existing and future developments in the area.
- *Encourage Sensitive Outdoor Lighting*...the future development of this project will meet or exceed all applicable city ordinances regarding architectural and site lighting.

Economic Vitality.

- *Foster New Employment or High Density Residential Opportunities* such as luxury apartments, hotel or assisted living facilities...the future development plan for this site adds employment opportunities to the Scottsdale job market.
- *Integrate Non-residential Development to Improve Access*. This project will provide opportunity for employees to walk or bicycle to this future employment use from numerous neighborhoods in the immediate area.

Neighborhoods.

- *Enhance Neighborhoods*...the future development plan for this site will allow alternate modes of transportation for local residents ~~and employees~~ as well as enhance the landscape and site architectural character established by adjacent residential and non-residential uses.

Open Space.

- *Protect Urban Environment*...the future development plan for this site has a very close proximity to the West World equestrian center and regional multi-use trail system which provide opportunity for pedestrian and bicycle access to the immediate area. Other open

space elements will include the streetscape adjacent to McDowell Mountain Ranch Road creating buffering and transition.

Sustainability.

- *Direct Growth that can Support Multimodal Transportation and Logical Infrastructure Expansion...* this is an ideal site for multimodal transportation [see below] and use of established infrastructure improvements due to the fact that most of the area infrastructure is in place.

Transportation.

- *Protect Integrity of Networks to Reduce Number, Length and Frequency of Trips...* the planned ~~employment~~ use offers variety in peak use trips relative to adjacent residential uses with little or no activities in the evening or weekends. Further, this project will provide opportunity for employees to walk or bicycle to this ~~future employment~~ use from numerous neighborhoods in the area.
- *Relieve Traffic Congestion...* the planned ~~employment~~ use offers variety in peak use trips relative to adjacent residential uses with little or no activities in the evening or weekends. Further, this project will provide opportunity for ~~employees~~ to walk or bicycle to this future employment use from numerous neighborhoods in the area.

ITEM 9 - COMPARITIVE ANALYSIS [INTENSITY].

The following is a comparative analysis between the existing and proposed General Plan designation utilizing the City's "Clean Zone Model" computer analysis.

	Existing Cult. / Inst.	Proposed Employment	Remarks / Comments	High Density Residential
- Dwelling Units	--	--	Not applicable.	170
- Floor Area	63,000	132,000**	Square Feet	204,000
- Population	--	--	Not applicable	425
- School Children	--	--	Not applicable	75
- Water Use	14	67	Ac. Ft. / Yr.	TBD
- Wastewater	4	9	Ac. Ft. / Yr.	TBD
- Solid Waste	8	149	Tons / Year	TBD
- Vehicle Trips*	204	924	Weekday Trips	TBD
- Employees	15	297		10

* Note that a T.I.M.A. study will be prepared for this proposal and adjacent properties as a part of the future rezoning request[s].

** Based on a Floor Area Ratio of 30%.

ITEM 10 - COMPARITIVE ANALYSIS [GENERAL PLAN ELEMENTS].

Land Use Element..... Refer to Items 8 and 9 above.

Character Types Element The current "Character Types" designation is *Suburban Desert*. This proposed change does not conflict with the designated character type.

Character Areas Element..... This property is located in a "Character Area" designated as a future study area [Area 8].

Streetscape Element..... This property is located in a "Streetscape" area designated as *Natural Streetscape*. No change to that character is anticipated.

Open Space Element..... This request does not impact the "Open Space Element" of the General Plan.

Parks / Recreation Element This request does not impact the "Parks / Recreation Element" of the General Plan.

Preservation Element..... This request does not impact the "Preservation Element" of the General Plan.

Growth Area Element..... This property is not located within a designated Growth or Activity Area.

Community Mobility Element.... This request does not impact the "Community Mobility Element" of the General Plan.

ITEM 11 - RELATIONSHIP TO CITY GOALS.

Scenic Corridors..... Not applicable to this property.

Vista Corridors..... Not applicable to this property.

Character Area Plans..... See Item 10 above.

Neighborhood Plans..... Provides additional ~~employment~~ ^{RESIDENTIAL} opportunity close to existing population base.

Housing Diversity Not applicable to this property.

Economic Diversity..... Creates employment opportunity for residents of the area

Alt. Transportation Modes..... Integrated employment and residential uses allow employees the opportunity for short walking or bicycle trips.

ITEM 12 - PUBLIC RESPONSE TO PROPOSED GENERAL PLAN AMENDMENT.

No public response to the proposed General Plan Amendment has been received at this time. The Neighborhood Involvement Plan will be updated as public comment is received.

July 11, 2005

City of Scottsdale
Planning Department
ATTN: Al Ward
7447 E. Indian School Road
Scottsdale, Arizona 85251

RE: 12-GP-2005/WinStarPro, L.L.C.

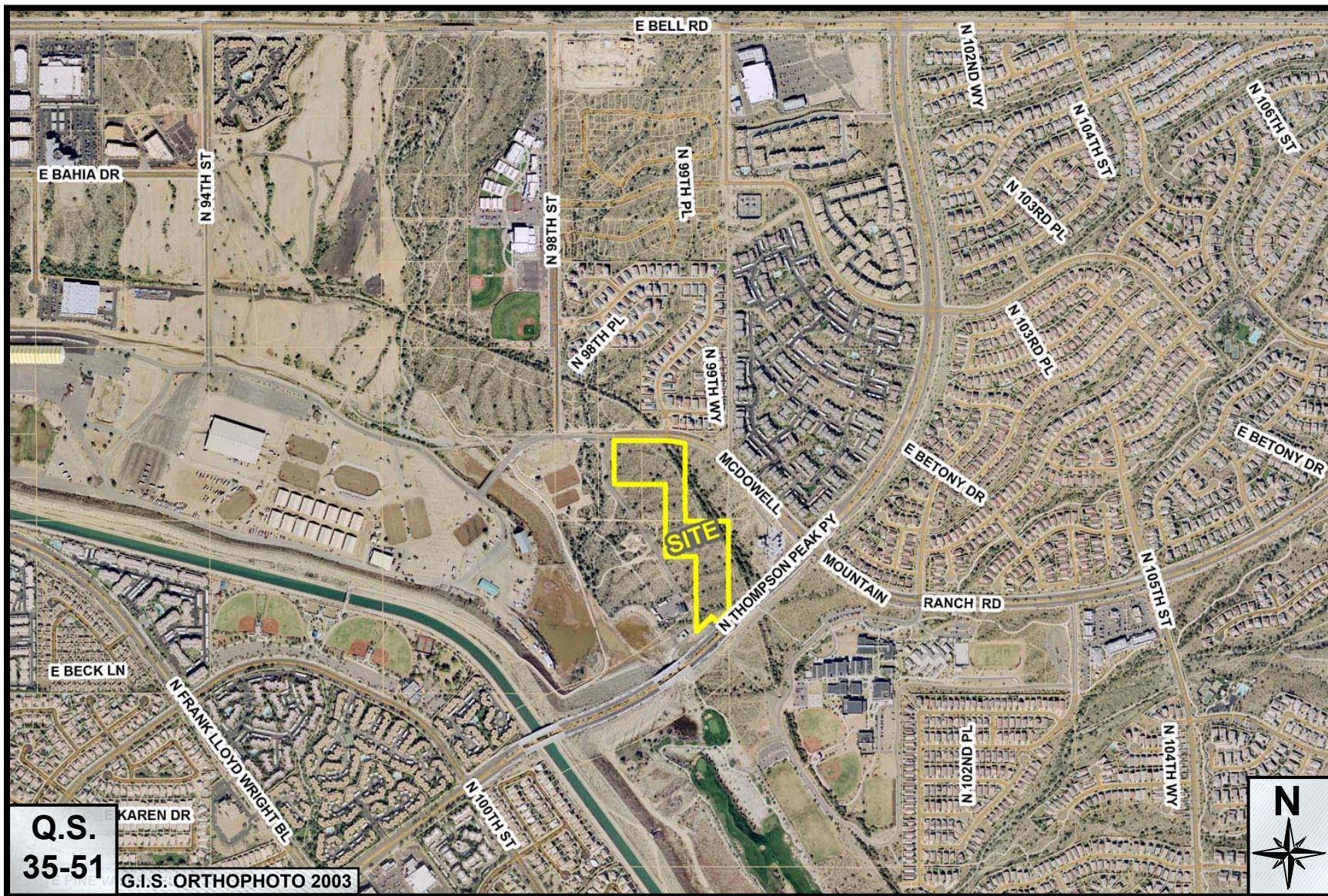
Dear Al,

Per our discussions, as a representative of WinstarPro, L.L.C., I am requesting that the General Plan Amendment (Case 12-GP-2005) be modified for a zoning of urban neighborhoods with the elimination of any reference to an employment category.

Respectfully submitted,

A handwritten signature in cursive script, reading "George H. Bell", followed by a long horizontal flourish line.

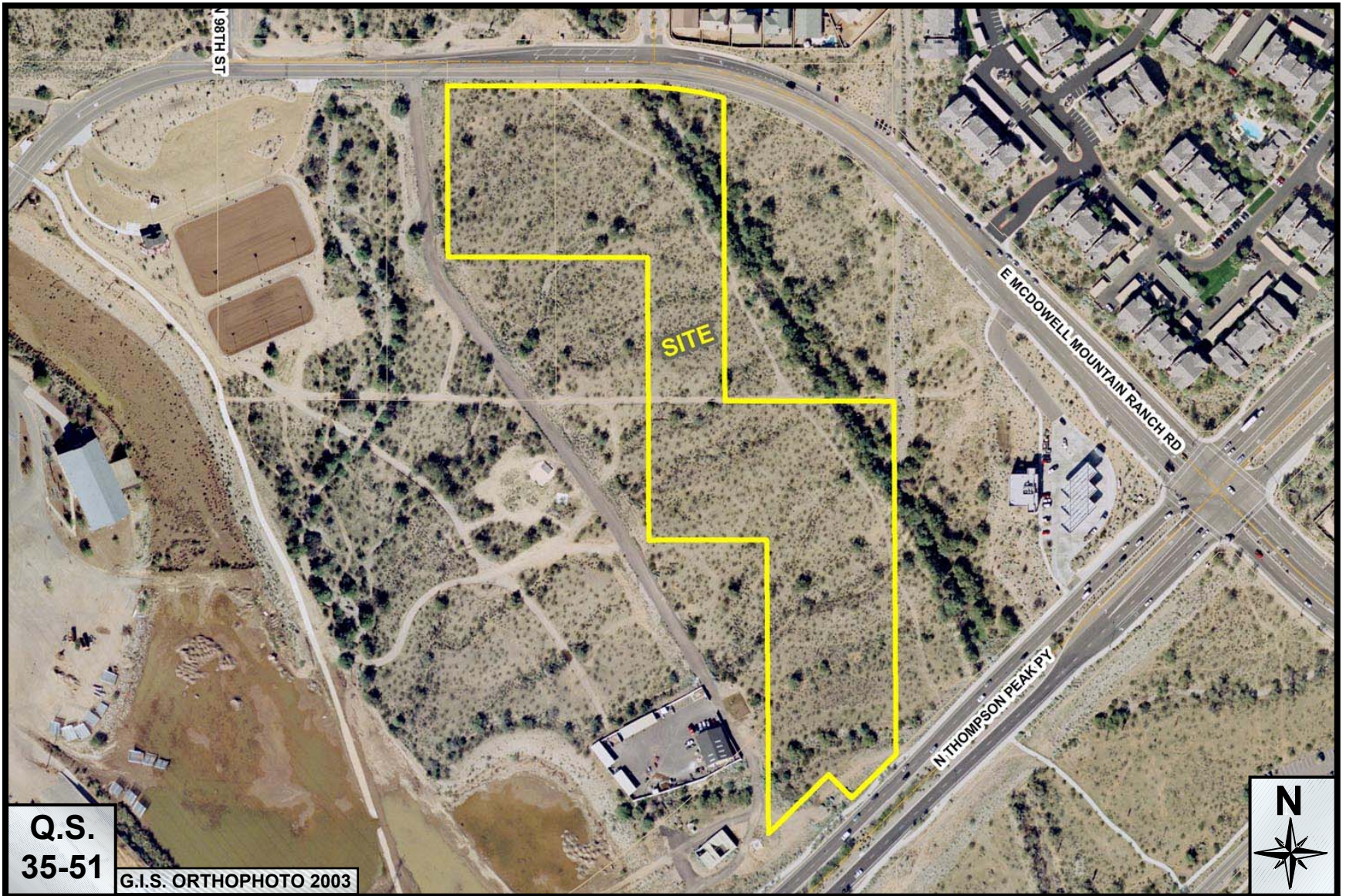
George H. Bell, Applicant



Winstar Pro

12-GP-2005 & 13-ZN-2005

ATTACHMENT #2



Q.S.
35-51

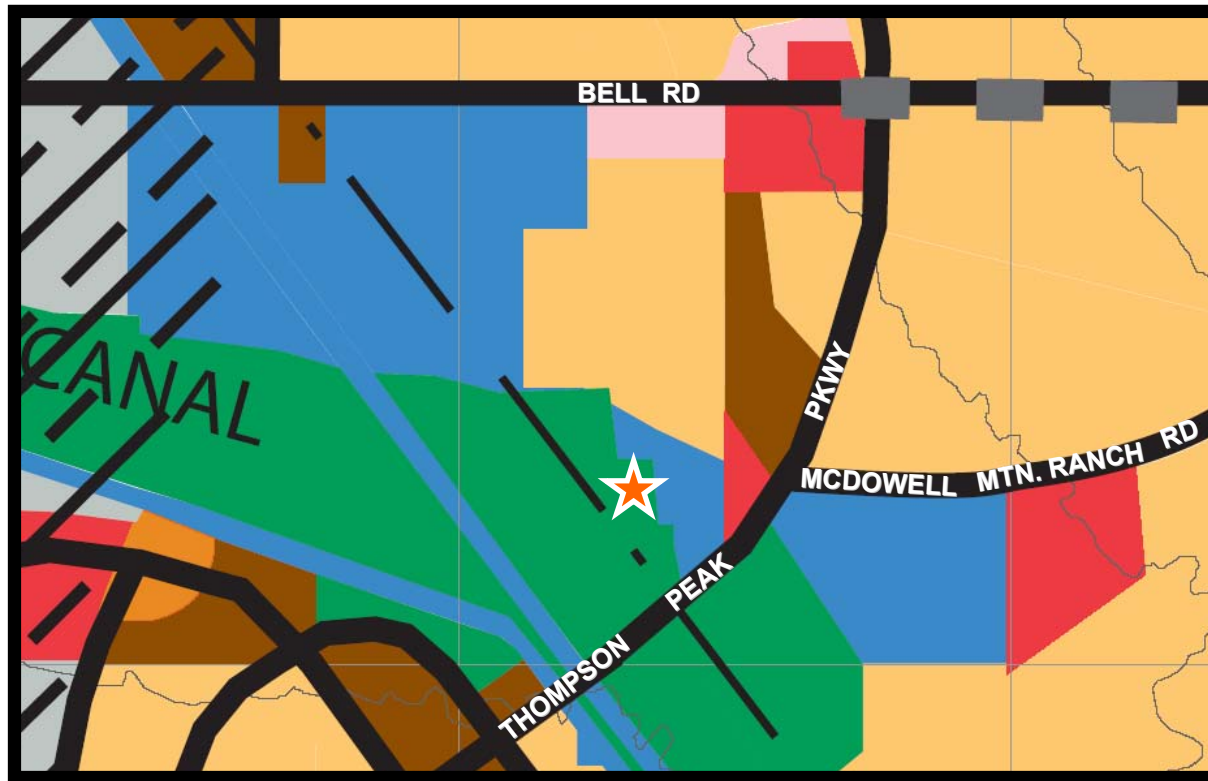
G.I.S. ORTHOPHOTO 2003

Winstar Pro

12-GP-2005 & 13-ZN-2005

ATTACHMENT #2A

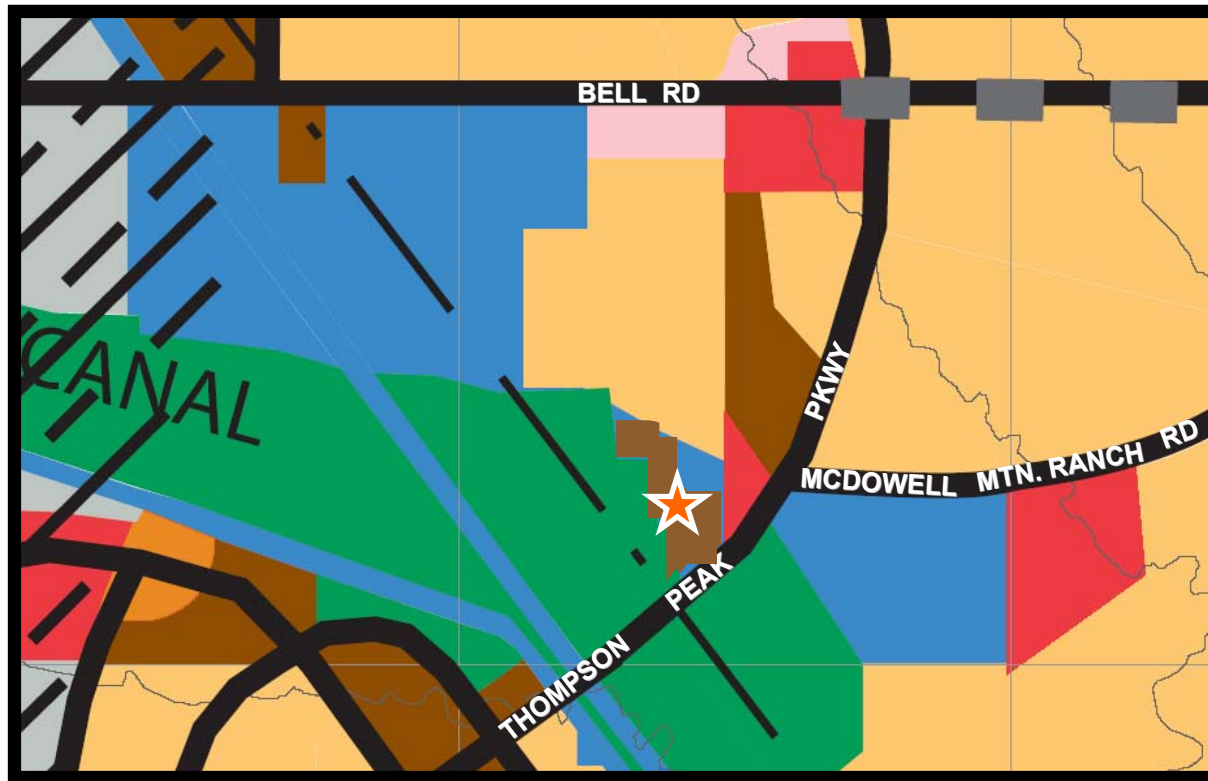
General Plan (Existing)



12-GP-2005
ATTACHMENT #3

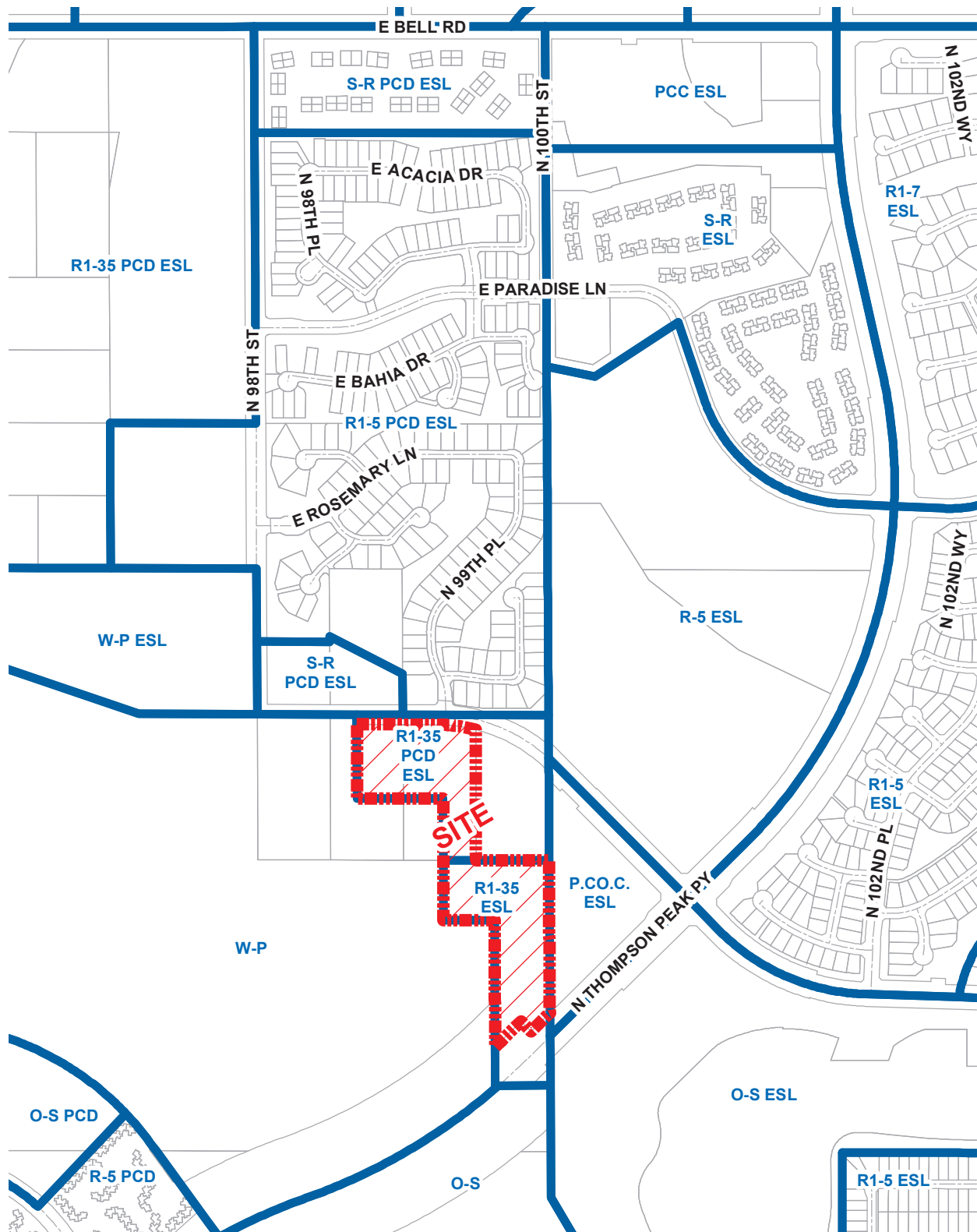
Adopted by City Council October 30, 2001
Ratified by Scottsdale voters March 12, 2002
revised to show McDowell Sonoran Preserve as of May 2004
revised to reflect General Plan amendments through June 2004

General Plan (Proposed)



12-GP-2005
ATTACHMENT #3A

Adopted by City Council October 30, 2001
Ratified by Scottsdale voters March 12, 2002
revised to show McDowell Sonoran Preserve as of May 2004
revised to reflect General Plan amendments through June 2004



12-GP-2005

ATTACHMENT #4



STIPULATIONS FOR CASE 13-ZN-2005

PLANNING/ DEVELOPMENT

1. **CONFORMANCE TO PRIOR ZONING CASE.** The stipulations for the Planned Community District (PCD) as approved in case #33-ZN-2000 continue to apply. If conflicts arise between those stipulations and these stipulations, these stipulations control.
2. **CONFORMANCE TO SITE PLAN.** Development shall conform with the site plan submitted by L.R. Niemiec Architects and staff dated 9/9/05. These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
3. **MAXIMUM DWELLING UNITS/MAXIMUM DENSITY.** The number of dwelling units on the site shall not exceed 240 without subsequent public hearings before the Planning Commission and City Council. The density of the site shall not exceed 20 dwelling units per gross acre without subsequent public hearings before the Planning Commission and City Council.
4. **WESTWORLD BUFFER.** The with the developer Development Review Board approval the developer shall provide a site plan providing a minimum of 30 foot wide buffer along the entire west boundary of the property adjoining WestWorld.
5. **SITE DEVELOPMENT.** Site development shall conform to the character of the existing McDowell Mountain Business Park as in case 1-MP-2001 in regards to canal development standards, parking, driveway and sidewalk design standards and architectural design standards, to the satisfaction of City staff.
6. **VERDE CANAL.** With the Development Review Board submittal, the developer shall provide a landscape plan showing a buffer and preservation corridor, which shall encompass the Old Verde Canal and all adjacent areas of significant vegetation, to the satisfaction of city staff. Before any certificate of occupancy is issued for the site, the developer shall provide the corridor in conformance with the approved site plan, to the satisfaction of City staff.
7. **SALVAGED CANAL INDIGENOUS TREES.** The developer shall utilize salvaged indigenous trees from the canal site for re-vegetation of the Verde Canal preservation corridor and trail, to the satisfaction of the Development Review Board and the City staff.
8. **GLO EASEMENT.** On every site plan submittal, the developer shall show existing 33' Government Land Office Roadway and Public Utility Easements, to insure there are no development conflicts.
9. **NOTICE TO PROSPECTIVE BUYERS.** With any proposed contract, the developer shall give the following information in writing to all prospective buyers of lots on the site:
 - a. The property is within the Airport Influence Area.
 - b. The closest distance from the lot to the midpoint of the Scottsdale Airport runway.
 - c. The development's private streets shall not be maintained by the city.
 - d. The city shall not accept any common areas on the site for ownership or maintenance, in a form acceptable to the Airport Director and City attorney.
 - e. Proximity of the WestWorld equestrian facility and potential impacts from the keeping of horses and other associated activities and public events, in a form acceptable to the city attorney.

ENVIRONMENTAL DESIGN

1. **NATURAL AREA OPEN SPACE (NAOS)-IDENTIFICATION.** With the Development Review Board submittal, the developer shall submit a plan for the site identifying the required NAOS and a table identifying, as to each lot and tract, the required amount of NAOS, the percentage of slope, and the type of Lower Desert land form.
2. **NATURAL AREA OPEN SPACE-DEDICATION, CONVEYANCE AND MAINTENANCE.** With the Development Review Board submittal, the developer shall submit documents, to the satisfaction of city staff, showing that all required NAOS shall be dedicated or conveyed in conformance with the Scottsdale Revised Code and permanently maintained as NAOS.
3. **NATURAL AREA OPEN SPACE-STAKING.** Before issuance of any building permit for the site, the developer shall survey all NAOS boundaries and stake all boundaries between NAOS areas and development, in conformance with the approved grading plan. Such surveying and staking shall be subject to inspection and approval prior to construction in each development phase.
4. **NATURAL AREA OPEN SPACE-PROTECTION DURING CONSTRUCTION.** Before any construction on a lot, the developer shall protect the NAOS on and adjacent to the lot to the satisfaction of city staff, so that access to the construction is within the construction envelope or designated driveway.
5. **NATURAL AREA OPEN SPACE-ADJACENT FENCES.** All fences located adjacent to NAOS shall be constructed as view fences with three (3) feet or less of solid, opaque wall above the natural grade.
6. **NATURAL AREA OPEN SPACE-REVEGETATION.** Before final site inspection, the developer shall re-vegetate NAOS in conformance with the Scottsdale Zoning Ordinance, to the satisfaction of city staff.
7. **BOULDERS AND BEDROCK OUTCROPS.** With the Development Review Board submittal, the developer shall submit a plan identifying all boulders larger than four (4) feet in diameter and all bedrock outcrops.
8. **HEIGHT OF NON-INDIGENOUS PLANT MATERIAL.** Non-indigenous plant material which has the potential to reach a mature height greater than 20 feet shall not be planted on the site. A plant list that complies with this stipulation is subject to Development Review Board approval. The developer shall state this stipulation on the final plans.
9. **NON-PROTECTED NATIVE PLANTS.** Native plants which are not protected by the Scottsdale Revised Code native plant provisions, but which are necessary for on-site re-vegetation, are suitable for transplanting, or are necessarily uprooted for road building or similar construction, as determined by city staff, shall be stockpiled during construction and shall be replanted in on-site landscape areas by the developer before the final site inspection.
10. **LOCATION OF INTERNAL STREETS AND DRIVEWAYS.** Before the Development Review Board submittal, the developer shall stake the alignments for all internal streets and driveways subject to inspection by city staff to confirm that the proposed alignments result in the least environmental and hydrological impact. The Zoning Administrator may approve the use of rectified aerial photographs in lieu of on-site staking.
11. **MAINTENANCE AND PRESERVATION-RECORDED AGREEMENT.** Before any building permit for the site is issued, the developer shall record an agreement, satisfactory to city staff, detailing

the maintenance and preservation by the developer and its successors of all common areas, landscape buffers, natural areas, drainage easements and private access ways on the site and abutting rights-of-way. These designated areas shall not be accepted for maintenance or be accepted for ownership by the city without the approval of the City Council.

12. **FINAL CONSTRUCTION ENVELOPES.** Before issuance of any building permit for the site, the developer shall stake the construction envelopes for inspection by city staff. All construction shall take place inside the construction envelopes. With the final plat submittal, the developer shall submit an unrecorded supplemental document identifying the construction envelopes.

CIRCULATION

1. **STREET CONSTRUCTION.** Before issuance of any certificate of occupancy for the site, the developer shall dedicate the following right-of-way and construct the following street improvements, in conformance with the Design Standards and Policies Manual:

Street Name/Type	Dedications	Improvements	Notes
McDowell Mtn. Ranch Road Major Collector	45 ft half (existing)	Half Street, Figure 3.1-5, 36' CL-BC	A
99 th Street Local Commercial	30 ft half	Half Street, Figure 3.1-7, 20' CL-BC	B.
Thompson Peak Parkway	120 ft (1.83 ac.) +/- area adjacent to northwest side of street	None	C.

- a. **McDowell Mountain Ranch Road:** Construct the half street improvements along the site frontage, in conformance to the Major Collector street standard. The cross section and alignment shall be consistent with the existing improvements to the north, and coordinated with the planned improvements to the east, to the satisfaction of City staff. A preliminary design for the street geometry shall be submitted to the Transportation Department for approval prior to any final plan submittal. An 8-foot wide sidewalk shall be constructed along the site frontage; a public access easement shall be dedicated over any sidewalk that falls outside of the public right-of-way.
 - b. **99th Street:** Construct the half street improvements for the 99th Street alignment in conformance to the Local Commercial street standard. The improvements shall be coordinated with the planned improvements to the east, to the satisfaction of City staff. This street shall provide access to the State Land parcel to the south. The requirements for the construction of 99th Street may be waived in all or in part by the Transportation Department if an alternative access plan for this area is submitted by the property owners and approved by City staff.
 - c. **Thompson Peak Parkway:** With final Plans submittal, the developer shall dedicate the approximate 1.83 acre +/- portion of land along the south side of the 7.29 acre State Land Department property adjoining Thompson Peak Parkway which is intended for a service road to access the McDowell Mountain Ranch Aquatic Center only. No direct site access shall be provided from Thompson Peak Parkway or the Aquatic Center Loop Road unless the City does not secure alternative access for the State Land parcel.
2. **ACCESS RESTRICTIONS.** Before issuance of any certificate of occupancy for the site, the developer shall dedicate the necessary right-of-way, as determined by city staff, and construct the following access to the site. Access to the site shall conform to the following restrictions (distances measured to the driveway or street centerlines):

- a. McDowell Mountain Ranch Road - There shall be a maximum of two site driveways from McDowell Mountain Ranch Road, with a minimum of 330 feet between the driveways. The location of the driveways shall align with the proposed driveways on the north side of McDowell Mountain Ranch Road or be offset a minimum distance of 125 feet. The developer shall dedicate a one-foot wide vehicular non-access easement on this street except at the approved street or driveway locations.
 - b. 99th Street - There shall be a minimum spacing of 165 feet between driveways. The driveways shall be perpendicular to 99th Street and direct parking along 99th Street shall not be provided.
 - c. Thompson Peak Parkway -. There shall be no direct access to Thompson Peak Parkway or the McDowell Mountain Ranch Aquatic Center Loop Road. The developer shall dedicate a one-foot wide vehicular non-access easement on these street frontages.
3. PEDESTRIAN CIRCULATION PLAN. With the Development Review Board submittal, the developer shall submit a Pedestrian Circulation Plan for the site, which shall be subject to city staff approval. This plan shall indicate the location and width of all sidewalks and pedestrian pathways.
4. VERDE CANAL. With the Development Review Board submittal, the developer shall provide plans for the protection and maintenance of the Verde Canal topographic feature in its natural condition. The Verde Canal and dike location may be modified and/or relocated generally as shown on the site plan submitted by L.R. Niemiec Architects and staff dated September 9, 2005, with the subsequent approval by the Development Review Board and Current Planning Division staff. In conjunction with the relocation, the developer shall maintain minimum thirty-five (35) foot wide of the canal as open space.
5. MULTI-USE TRAIL. Before any certificate of occupancy is issued for the site, the developer shall dedicate a 35-foot wide (minimum) public access easement over the alignment of the Old Verde Canal and construct a minimum 8-foot wide multi-use trail along the Verde Canal, as shown on the final site plan approved by the Development Review Board. The trail shall be contained within the minimum 25-foot wide public access easement, which the developer shall dedicate to the city within twelve (12) months of City Council approval. The alignment of the trail shall be subject to approval by the city's Equestrian Coordinator prior to dedication. The trail shall be designed in conformance with the Design Standards and Policies Manual - Landscaping and Parks.

DRAINAGE AND FLOOD CONTROL

1. CONCEPTUAL DRAINAGE REPORT. With the Development Review Board submittal, the developer shall submit a conceptual drainage report and plan subject to city staff approval. The conceptual report and plan shall conform to the Design Standards and Policies Manual - Drainage Report Preparation. In addition, the conceptual drainage report and plan shall:
 - a. Identify all major wash corridors entering and exiting the site, and calculate the peak discharge (100-yr, 6-hr storm event) for a pre- versus post-development discharge comparison of ALL washes, which exit the property.
 - b. Determine easement dimensions necessary to accommodate design discharges.
 - c. Demonstrate how the storm water storage requirement is satisfied, indicating the location, volume and drainage area of all storage.
 - d. Include flood zone information to establish the basis for determining finish floor elevations in conformance with the Scottsdale Revised Code.
 - e. Include a complete description of requirements relating to project phasing.

2. **FINAL DRAINAGE REPORT.** With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a final drainage report and plan subject to city staff approval. The final drainage report and plan shall conform to the Design Standards and Policies Manual – Drainage Report and Preparation. In addition, the final drainage report and plan shall: meet the terms, comments and conditions specified by staff in the preliminary drainage report.
3. **STORM WATER STORAGE REQUIREMENT.** Before improvement plan approval, the developer shall submit a final drainage report and plan which calculates the storm water storage volume required, V_r , and the volume provided, V_p , using the 100-year, 2-hour storm event.
4. **STORM WATER STORAGE EASEMENTS.** With the Development Review Board submittal, the developer shall submit a site plan subject to city staff approval. The site plan shall include and identify tracts with easements dedicated for the purposes of storm water storage, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual.
5. **DRAINAGE EASEMENTS.** Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all drainage easements necessary to serve the site.

VERIFICATION OF COMPLIANCE

1. **REQUIRED SPECIAL INSPECTIONS.** Before the approval of the improvement plans, the Project Quality/Compliance Division staff shall specify those drainage facilities that shall be required to have Special Inspections, with verification received that adequate installation has occurred, with any upgrades shall be required to be completed by the developer prior to issuance of the certificate of occupancy. See Section 2-109 of the Design Standards and Policies Manual for more information on this process.
2. **CONDITION FOR ISSUANCE OF GRADING & DRAINAGE PERMIT.** Before the issuance of a Grading & Drainage Permit:
 - a. The developer shall certify to the Project Quality/Compliance Division, that it has retained an Inspecting Engineer by completing Part I (Project Information) and Part II (Owner's Notification of Special Inspection) of the Certificate of Special Inspection of Drainage Facilities (CSIDF); and,
 - b. The Inspecting Engineer shall seal, sign and date Part III (Certificate of Responsibility) of the CSIDF.
3. **CONDITION FOR ISSUANCE OF CERTIFICATE OF OCCUPANCY AND/OR LETTER OF ACCEPTANCE.** Before the issuance of a Certificate of Occupancy and/or a Letter of Acceptance:
 - a. The Inspecting Engineer shall seal, sign and date the Certificate of Compliance form.
 - b. The developer shall submit all required Special Inspection Checklists and the completed Certificate of Compliance form to the Inspection Services Division. The Certificate of Compliance form shall be sealed, signed and dated by the Inspecting Engineer, and shall be attached to all required Special Inspection Checklists completed by the Inspecting Engineer.
4. **AS-BUILT PLANS.** City staff may at any time request the developer to submit As-built plans to the Inspection Services Division. As-built plans shall be certified in writing by a registered professional civil engineer, using as-built data from a registered land surveyor. As-built plans for drainage facilities and structures shall include, but are not limited to, streets, lot grading, storm drain pipe, valley gutters, curb and gutter, flood walls, culverts, inlet and outlet structures, dams,

berms, lined and unlined open channels, storm water storage basins and underground storm water storage tanks, bridges as determined by city staff.

WATER

1. **BASIS OF DESIGN REPORT (WATER).** Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall conform to the Design Standards and Policies Manual. In addition, the basis of design report and plan shall:
 - a. Identify the location, size, condition and availability of existing water lines and water related facilities such as water valves, water services, fire hydrants, back-flow prevention structures, etc.
 - b. Identify the timing of and parties responsible for construction of all water facilities.
 - c. Include a complete description of requirements relating to project phasing.
2. **APPROVED BASIS OF DESIGN REPORT.** Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall have obtained approval of the Basis of Design Report.
3. **NEW WATER FACILITIES.** Before the issuance of Letters of Acceptance by the Inspection Services Division, the developer shall provide all water lines and water related facilities necessary to serve the site. Water line and water related facilities shall conform to the city Water System Master Plan.
4. **WATERLINE EASEMENTS.** Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code the Design Standards and Policies Manual, all water easements necessary to serve the site.

WASTEWATER

1. **BASIS OF DESIGN REPORT (SANITARY SEWER).**). Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall be in conformance with the Design Standards and Policies Manual. In addition, the basis of design report and plan shall:
 - a. Identify the location of, the size, condition and availability of existing sanitary sewer lines and wastewater related facilities.
 - b. Identify the timing of and parties responsible for construction of all sanitary sewer facilities.
 - c. Include a complete description of requirements relating to project phasing.
2. **APPROVED BASIS OF DESIGN REPORT.** Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall have obtained approval of the Basis of Design Report.
3. **NEW WASTEWATER FACILITIES.** Before the issuance of Letters of Acceptance by the Inspection Services Division, the developer shall extend sanitary sewer lines to 99th Street and provide all sanitary sewer lines and wastewater related facilities as determined by the Basis of Design Report for Wastewater for this site. Sanitary sewer lines and wastewater related facilities shall conform to the city Wastewater System Master Plan.

4. **SANITARY SEWER EASEMENTS.** Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all sewer easements necessary to serve the site.

OTHER REQUIREMENTS

1. **ENVIRONMENTAL PROTECTION AGENCY (EPA) REQUIREMENTS.** All construction activities that disturb five or more acres, or less than five acres if the site is a part of a greater common plan, shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. [NOI forms are available in the City of Scottsdale One Stop Shop, 7447 East Indian School Road, Suite 100. Contact Region 9 of the U.S. Environmental Protection Agency at 415-744-1500, and the Arizona Department of Environmental Quality at 602-207-4574 or at web site http://www.epa.gov/region_9.

The developer shall:

- a. Submit a completed Notice of Intent (NOI) to the EPA.
 - b. Submit a completed Storm Water Pollution Prevention Plan (SWPPP) to the EPA.
2. **NOTICE OF INTENT (NOI).** With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a copy of the NOI.
 3. **SECTION 404 PERMITS.** With the improvement plan submittal to the Project Quality/Compliance Division, the developer' engineer must certify that it complies with, or is exempt from, Section 404 of the Clean Water Act of the United States. [Section 404 regulates the discharge of dredged or fill material into a wetland, lake, (including dry lakes), river, stream (including intermittent streams, ephemeral washes, and arroyos), or other waters of the United States.]
 4. **DUST CONTROL PERMITS.** Before commencing grading on sites 1/10 acre or larger, the developer shall have obtained a Dust Control Permit (earth moving equipment permit) from Maricopa County Division of Air Pollution Control. Call the county 602-507-6727 for fees and application information.
 5. **UTILITY CONFLICT COORDINATION.** With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a signed No Conflict form (not required for city owned utilities) from every affected utility company.
 6. **ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY REQUIREMENTS (ADEQ).** The developer shall be responsible for conformance with ADEQ regulations and requirements for submittals, approvals, and notifications. The developer shall demonstrate compliance with Engineering Bulletin #10 Guidelines for the Construction of Water Systems, and Engineering Bulletin #11 Minimum Requirements for Design, Submission of Plans, and Specifications of Sewerage Works, published by the ADEQ. In addition:
 - a. Before approval of final improvement plans by the Project Quality/Compliance Division, the developer shall submit a cover sheet for the final improvement plans with a completed signature and date of approval from the Maricopa County Environmental Services Department (MCESD).
 - b. Before issuance of encroachment permits by city staff, the developer shall provide evidence to city staff that a Certificate of Approval to Construct Water and/or Wastewater Systems has been submitted to the MCESD. This evidence shall be on a document developed and date stamped by the MCESD staff.

- c. Before commencing construction, the developer shall submit evidence to city staff that Notification of Starting Construction has been submitted to the MCESD. This evidence shall be on a document developed and date stamped by the MCESD staff.
- d. Before acceptance of improvements by the city Inspection Services Division, the developer shall submit a Certificate of Approval of Construction signed by the MCESD and a copy of the As-Built drawings.
- e. Before issuance of Letters of Acceptance by the city Inspection Services Division, the developer shall:
 - (1). Provide to the MCESD, As-Built drawings for the water and/or sanitary sewer lines and all related facilities, subject to approval by the MCESD staff, and to city staff, a copy of the approved As-Built drawings and/or a Certification of As-Built, as issued by the MCESD.
 - (2). Provide to the MCESD a copy of the Engineers Certificate of Completion with all test results, analysis results, and calculations, as indicated on the form.
 - (3). Provide to the MCESD a copy of the Request for Certificate of Approval of Construction of water and/or sanitary sewer lines with all appropriate quantities.
 - (4). Provide the city Inspection Services Division a copy of the Certificate of Approval of Construction, as issued by the MCESD.

ADDITIONAL INFORMATION FOR CASE 13-ZN-2005

PLANNING/DEVELOPMENT

2. **DEVELOPMENT CONTINGENCIES.** The approved development program, including intensity, may be changed due to drainage issues, topography, NAOS requirements, and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed development program.
3. **DEVELOPMENT REVIEW BOARD.** The City Council directs the Development Review Board's attention to:
 - a. a plan indicating the treatment of washes and wash crossings,
 - b. wall design,
 - c. the type, height, design, and intensity of proposed lighting on the site, to ensure that it is compatible with the adjacent use,
 - d. signage,
 - e. protection of the Old Verde Canal and trail provision,
 - f. parking setbacks along the Old Verde Canal,
 - g. conformance to the Horseman's Park West PCD and MEDCP.
4. **NOTICE TO PROSPECTIVE BUYERS.** The developer shall give the following information in writing to all prospective buyers of lots on the site:
 - a. The property is within the Airport Influence Area.
 - b. The closest distance from the lot to the midpoint of the Scottsdale Airport runway.
 - c. The development's private streets shall not be maintained by the city.
 - d. The city shall not accept any common areas on the site for ownership or maintenance.

ENGINEERING

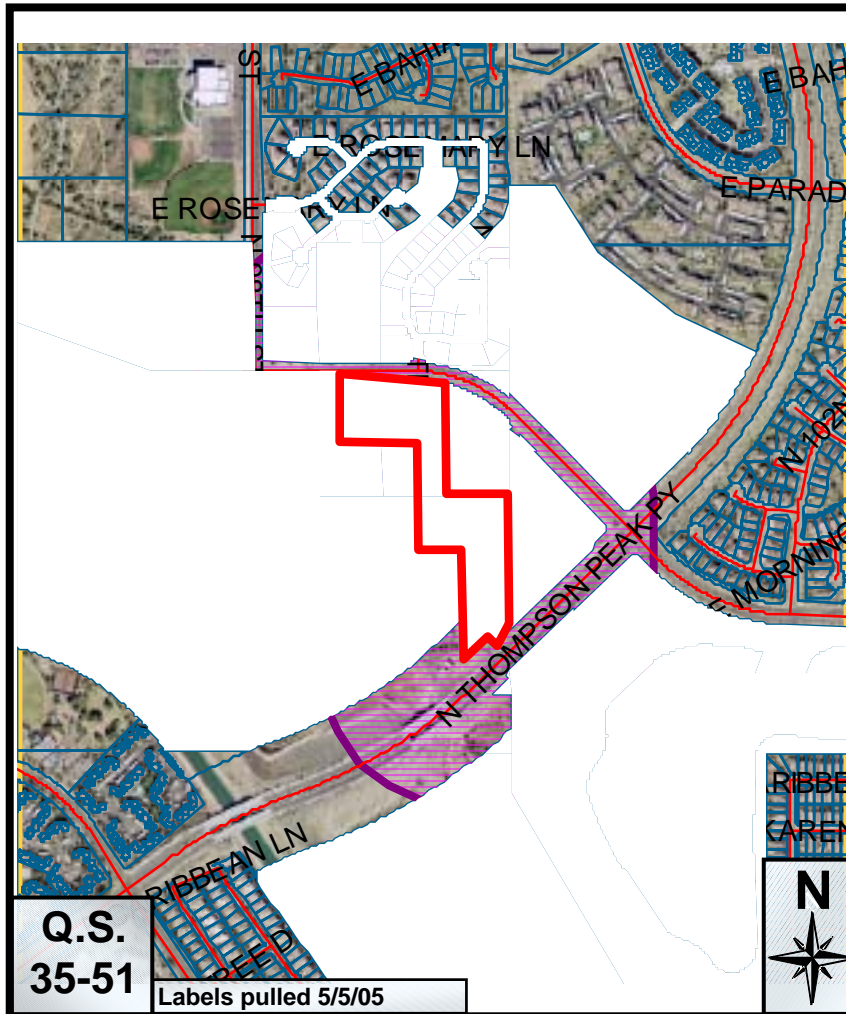
1. **RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE.** The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.
2. **FEES.** The construction of water and sewer facilities necessary to serve the site shall not be in-lieu of those fees that are applicable at the time building permits are granted. Fees shall include, but not be limited to the water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee.
3. **STREET CONSTRUCTION STANDARDS.** The streets for the site shall be designed and constructed to the standards in the Design Standards and Policies Manual.
4. **CITY CONTROL OF ACCESS.** The city retains the right to modify or void access within city right-of-way. The city's responsibility to promote safe conditions for the traveling public takes precedence over the stipulations above.

5. **MAINTENANCE AND PRESERVATION-RECORDED AGREEMENT.** Before any building permit for the site is issued, the developer shall record an agreement, satisfactory to city staff, detailing the maintenance and preservation by the developer and its successors of all common areas, landscape buffers, natural areas, drainage easements and private access ways on the site and abutting rights-of-way. These designated areas shall not be accepted for maintenance or be accepted for ownership by the city without the approval of the City Council.
6. **PRIVATE STREET CONSTRUCTION.** All private streets shall be constructed to full public street standards, except equivalent construction materials or wider cross-sections may be approved by city staff. In addition, all private streets shall conform to the following requirements:
 - a. No internal private streets shall be incorporated into the city's public street system at a future date unless they are constructed, inspected, maintained and approved in conformance with the city's public street standards. Before any lot is sold, the developer shall record a notice satisfactory to city staff indicating that the private streets shall not be maintained by the city.
 - b. Before issuance of any certificate of occupancy for the site, the developer shall post access points to private streets to identify that vehicles are entering a private street system.
 - c. Secured access shall be provided on private streets only. The developer shall locate security gates a minimum of 75 feet from the back of curb to the intersecting street. The developer shall provide a vehicular turn-around between the public street and the security gate.

Attachment #7 Citizen Involvement

The above attachment is on file at the City of
Scottsdale Current Planning office,
7447 E Indian School Road, Suite 105.

City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750-feet

Additional Notifications:

- Interested Parties
- Horseman's Park HOA
- McDowell Mountain Ranch
-

Winstar Pro

12-GP-2005 & 13-ZN-2005

ATTACHMENT #8

Vice-Chairman Steinberg asked Mr. Grant how the City's emphasis on sustainability and LEED certification would affect proposals. Mr. Grant answered that LEED certification is not currently required for private sector projects.

10-GP-2005 (Equestria Villas (San Bacara)), request by owner for a Major General Plan Amendment of the Land Use Element from Cultural/Institutional or Public Use to Urban Neighborhoods on a 4 +/- acre parcel located on the south side of McDowell Mountain Ranch Road, 1/4 mile west of Thompson Peak Parkway (9975 E McDowell Mountain Ranch Road).

Mr. Ward presented the staff report on this case. His presentation included aerial photography showing the rapid growth that has occurred since 1993. He identified the key issues relating to the case. The residential use may not be fully compatible with WestWorld. The Verde Canal runs through the site from northwest to southeast. Hopefully a preservation component of the development will recognize the existence of the historic canal.

Mr. Ward clarified that the cultural/institutional designation is not necessary for WestWorld, since it now seems unlikely that WestWorld would expand onto the property. This case had previously been considered in 2003 and since then many issues have been resolved.

Commissioner Heitel asked if staff could make recommendations about disclosures in perpetuity, so that anyone buying a home would be aware of the existence of WestWorld. Ms. Bronski committed that City Attorney's staff would look into the request and report back to the Commission.

Commissioner Barnett asked how the Verde Canal impacts the property. Mr. Ward replied that this is a historical facility that runs through the subject property and extends over to the Loop 101 frontage road. Opportunities exist for respectful treatment of the canal.

Ms. Susan Bittermansmith appeared on behalf of the Applicant. She noted that the application reflects changes that are taking place in the area. The proposed use would be more in keeping with the area as it is today.

Vice-Chairman Steinberg asked about ingress and egress from the site. Ms. Bittermansmith said they had met with the neighborhood associations that would be impacted. The Applicant is very aware of the need to find a solution to this issue.

Ms. Laurie McCammon addressed the meeting, indicating that she is very pleased with the residential element of the project.

12-GP-2005 (Winstar Pro), request by owner for a Major General Plan Amendment of the Land Use Element from Cultural/Institutional or Public Use to Urban Neighborhoods on a 10 +/- acre parcel located at the southeast corner of 99th Place and McDowell Mountain Ranch Road, 1/4 mile west of Thompson Peak Parkway.

Chairman Gulino noted that the subject property is adjacent to the property in the preceding application. Mr. Ward reported that there is a small area which is not part of either application and whose use is not to be changed.

APPROVED

Mr. Ward presented the staff report. The proposal was similar to the previous application to modify the General Plan. The Verde Canal traverses the property. Some State land is included as part of this application. The State has agreed to proceed with the General Plan amendment.

Mr. Skip Nemick addressed the Commission. The proposal is to build two and three-story homes with garages at ground level, beneath the homes.

Commissioner Heitel recommended disclosure to home buyers so that people would be aware of WestWorld. Mr. Nemick agreed that this needed to be disclosed in the public report.

Mr. Gerry Hrenchir, President of the Horseman's Park Association, addressed the meeting. He expressed major issues with the project, which are also shared by neighbors in McDowell Mountain Ranch. The Applicant had not approached the neighbors to communicate their plans. Major concerns are the development's proximity to WestWorld and the presence of the Verde Canal.

Mr. Hrenchir reported that their neighborhood is surrounded by existing condominium and apartment housing and a major new apartment complex is under development. This development would place pressure on the neighborhood infrastructure. The neighborhood has already seen an increase in crime which he attributed to the existing apartments and condominiums.

Ms. Toby Nydick, a resident of Horseman's Park subdivision said that her back gate is directly across the street from the proposed development. The street is already busy. A traffic survey has already concluded that traffic at McDowell Mountain Ranch and Thompson Peak Parkway is at its maximum capacity. If the amendment is accepted, traffic would increase in an already congested area.

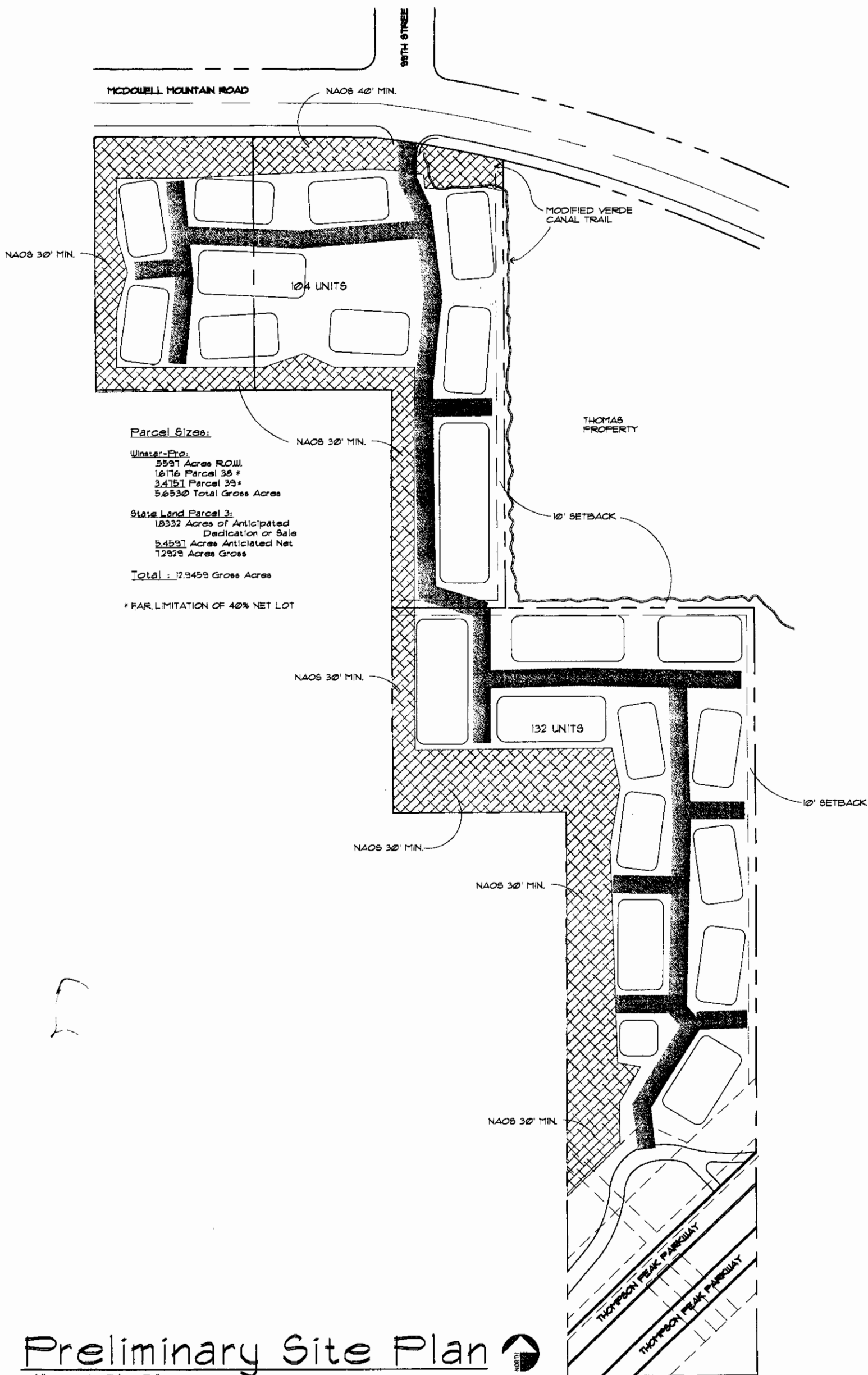
11-GP-2005 (Windmill Pass), request by owner for a major General Plan Amendment of the Land Use Element from Suburban Neighborhoods to Office on a 7.73 +/- acre parcel located on the south side of Carefree Highway west of Scottsdale Road.

Ms. Wauwie presented the staff report. The proposal is for a minor office on a residential scale, one story high. This would create a balance between office and residential uses in the area. Carefree Highway is designated as a scenic corridor, thus a 100-foot scenic corridor easement is required. The major wash on the site would be preserved. Access to the site would be from Carefree Highway, so traffic would be filtered onto Scottsdale Road.

Vice-Chairman Steinberg asked Ms. Wauwie about any staff concerns regarding access to the site. Commissioner Heitel requested a description of the wash area. Commissioner Barnett asked about the setbacks on the scenic corridor and the depth of the parcel under consideration.

Mr. West addressed the meeting. Highlights of his presentation included a site plan. He addressed grading, drainage and flooding issues for the site. He noted that the maximum height for offices under the proposed zoning is 18 feet, lower than the 24 feet permitted for residential property under the current zoning.

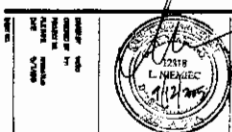
APPROVED



Preliminary Site Plan

1" = 60'-0"

NOTE: PARCEL AREAS TO BE VERIFIED BY ALTA SURVEY



Prelim. Site Plan
1" = 60'-0"

Winstar Condominiums
Scottsdale, Arizona

Contractor must verify all dimensions of project before proceeding with this work. Do not reproduce these drawings & specifications without the expressed written permission of the Architects. The drawings & specifications are instruments of service and shall remain the property of the Architect whether the project for which they are made is executed or not. These drawings & specifications shall not be used by anyone on any other projects, for additions to this project, or for completion of this project by others except by the expressed written permission of the Architect.
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